RECEIVED

CENTRAL FAX CENTER

JUL 2 9 2005

PATENT
Attorney Docket No. GB920000002US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Dario de JUDICIBUS

Examiner: Hassan MAHMOUDI

Serial No: 09/728,095

Art Unit: 2175

Filed: December 1, 2000

For: INTERACTION WITH QUERY DATA

CERTIFICATE OF SUBMISSION BY FACSIMILE

PTO FAX NUMBER: 571-273-8300
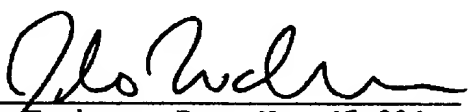TOTAL NUMBER OF PAGES: 10

Dear Sir:

I hereby certify that the following documents are being transmitted to the U.S. Patent and Trademark Office on the date shown below:

1.   APPEAL BRIEF (9 pages); and

2.   this CERTIFICATE OF SUBMISSION BY FACSIMILE (1 page).

If you did not receive all the pages, please telephone us at 718-544-1110, or fax us at 718-544-8588.

Respectfully submitted,

Dated: July 29, 2005

Ido Tuchman, Reg. No. 45,924
Law Office of Ido Tuchman
69-60 108th Street, Suite 503
Forest Hills, NY 11375
Telephone (718) 544-1110
Facsimile (718) 544-8588

PATENT
Attorney Docket No. GB920000002US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of	
Dario de JUDICIBUS	Examiner: Hassan MAHMOUDI
Serial No: 09/728,095	Art Unit: 2175
Filed: December 1, 2000	
For: INTERACTION WITH QUERY DATA	

APPEAL BRIEF

Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The applicant submits this brief pursuant to 37 C.F.R. §1.192 in furtherance of the Notice of Appeal timely filed in this case on May 29, 2005, setting a two-month shortened statutory period of brief filing expiring July 29, 2005.

Please charge Deposit Account 50-0510 the $500 fee for filing this Appeal Brief. No other fee is believed due with this Appeal Brief, however, should another fee be required please charge Deposit Account 50-0510.

Real Party In Interest

The real party in interest is International Business Machines Corporation, as evidenced by the assignment set forth at Reel 011391, Frame 0852.

- 1 -

Application Serial No. 09/728,095

Related Appeals And Interferences

None.

Status of Claims

Claims 18, 19, 21-23, 25-27 and 29-32 are pending in the instant application, with claims 18, 22 and 26 being independent claims. Claims 1-17 are cancelled and claims 20, 24 and 28 are withdrawn.

Claims 18, 19, 21-23, 25-27 and 29-32 stand finally rejected by the Examiner as noted in the Final Office Action dated March 4, 2005. The rejection of claims 18, 19, 21-23, 25-27 and 29-32 is appealed.

Status of Amendments

No amendments to the claims were made after the final rejection.

Summary of the Claimed Subject Matter

An aspect of the present invention includes a method, system and computer program product for finding a query solution in a data space. Application, page 1, lines 24-27, claims 18, 22 and 26. To this end, an initial query in a database is performed such that a sub-space within the data space is defined that may contain the solution. Application, page 3, lines 4-7. The initial query includes one or more conditional attributes and one or more display attributes. Application, page 7, lines 20-22. The method, system and computer program further include searching for the solution outside the sub-space without performing another query. Application, page 5, lines 5-9.

Searching for the solution outside the sub-space without performing another query may include graphically navigating

- 2 -

outside the sub-space. See Application, page 4, lines 4-6, claims 19, 22 and 27. Furthermore, this operation may involve changing conditional attributes to display attributes and display attributes to conditional attributes. Application, page 5, lines 5-9, claims 21, 25 and 29. In one embodiment of the invention, the initial query is in the form of a Structured Query Language (SQL) query. Application, page 6, lines 23-25, claims 30-32.

Grounds for Rejection to be Reviewed on Appeal

I. Claims 18, 19, 21-23, 25-27 and 29-32 are rejected under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 6,160,556 to Kinoe et al. (hereinafter "Kinoe") in view of U.S. Patent No. 6,625,581 to Perkowski (hereinafter "Perkowski").

Argument

I. CLAIMS 18, 19, 21-23, 25-27 AND 29-32 ARE NOT OBVIOUS OVER KINOE IN VIEW OF PERKOWSKI

A *prima facie* case for obviousness can only be made if the combined reference documents teach or suggest all the claim limitations. MPEP 2143.

Claims 18, 22 and 26 stand rejected as obvious over Kinoe in view of Perkowski. All three claims appear to be rejected under substantially identical reasoning. Final Office Action, par. 3, page 5. Thus, the arguments presented herein to reverse the rejection of claim 18 can be equally applied to claims 22 and 26.

Claim 18 is a method for finding a query solution in a data space and recites, in part, "performing an initial query in a database such that a sub-space within the data space is defined that may contain the solution." The Examiner states Kinoe teaches such method, and apparently interprets a database query as equivalent to searching. Final Office Action, par. 3, page 2. The Appellant respectfully

- 3 -

disagrees with the Examiner and submits that "searching" in the context
of Kinoe has no relation to a database query.

Briefly, Kinoe provides a method of selecting an object
constituting a three-dimensional model displayed on a computer display.
Kinoe, col. 1, lines 10-11. One stated object of Kinoe is to provide a
method and system that allows a three-dimensional object to be selected
from a computer display screen without knowing the precise position and
the name of the three-dimensional object. Kinoe, col. 2, lines 13-17.
Kinoe teaches a retrieval object, such as a cylinder along the z-axis,
which intersects hidden objects in the three-dimensional drawing.
Kinoe, col. 5, lines 1-20 and Fig. 3. The intersected objects are
displayed in a sub-window to allow a user to quickly and easily select
such objects. Kinoe, col. 5, 31-34.

In contrast, claim 18 defines a sub-space within a data space
that may contain a solution for a database query. Consider, for
example, a database made up of records. Each record is a point in a
data space. Furthermore, each field is a dimension of the data space
and each value in each field is a coordinate of that point. If there
are N fields for each record, the resulting data space can be
represented as a N-dimensional space. Each point in the N-space is a
N-point. A sub-space in the data space may have any dimension less
than or equal to N. A query into the database can be represented as
the application of constraints to one or more dimensions. The result
is a sub-space that corresponds to the record(s) which satisfy the
constraints. Thus, it is respectfully submitted that Kinoe provides no
teaching of a database query and the "space" to which Kinoe's teachings
apply is a traditional three-dimensional space.

The Examiner also equates "sub-space" with "sub-window." Final
Office Action, par. 3, page 2. The Appellant respectfully submits that
such an interpretation is improper, stretching even the broadest
reading of claim 18 beyond its breaking point. Kinoe describes sub-
window as a wire frame visual effect to clarify which object in a
three-dimensional drawing has been selected. Kinoe, col. 5, lines

- 4 -

24-30. Claim 18, on the other hand, clearly recites that a sub-space within a data space may contain a solution for a database query. Thus, the Appellant respectfully submits the "sub-space" of claim 18 is wholly incongruous to the "sub-window" of Kinoe.

It is well known that to establish a *prima facie* case of obviousness, there must be some suggestion or motivation to modify the reference or to combine reference teachings in the prior art. MPEP 2143.

Claim 18 also recites, "wherein the initial query includes one or more conditional attributes and one or more display attributes." The Examiner contends that although Kinoe does not teach query in a database, wherein the query includes one or more conditional attributes and one or more display attributes, Perkowski supplies such a teaching. Final Office Action, par. 3, page 3.

According to the Examiner, "Perkowski teaches a method and system of delivering consumer product related information to consumers . . . wherein the query includes one or more conditional attributes and more or more display attributes." Final Office Action, par. 3, page 3. Why someone having ordinary skill in the art at the time the invention was made to would be motivated to combine a reference for selecting objects in a three-dimensional computer drawing with a reference for delivering consumer product related information to consumers is not addressed by the Office Action.

The Examiner argues that one would have modified Kinoe by the teachings of Perkowski "because including query in a database, wherein the query includes one or more conditional attributes and one or more display attributes, would enable the user to search a database and be able to define search criteria (via conditional attributes) by which the desired search results (via the display attributes) would be achieved." Final Office Action, par. 3, page 3. The Examiner does not offer any evidence in the record to support such a conclusion. Furthermore, the Appellant respectfully submits that Kinoe does not

- 5 -

mention, teach or suggest the use of databases.

Broad conclusory statements regarding the teachings of multiple references, standing alone, are not "evidence." *In re Dembicziak*, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed.Cir. 1999).

The Office Action acknowledges that Perkowski does actually teach "conditional attributes" and "display attributes," but interprets such limitations at "search criteria and applet licensing condition" and "requesting client and its relative location to the associated applet tag." Final Office Action, par. 3, page 3. The Examiner inappropriately offers no evidence or support for such an interpretation of Perkowski.

For at least these reasons, the Appellant respectfully asserts that the Examiner has not established a *prima facie* case of obviousness for claim 18. The Appellant submits that the rejection of claim 18 is improper and requests that the rejection of claim 18 be reversed by the honorable Board.

As mentioned above, claims 22 and 26 contain similar claim elements as claim 18 and appear to be rejected under substantially identical reasoning. Thus, the rejections of claims 22 and 26 are believed to be improper for the same reasons given above for claim 1. Thus, the Appellant requests that the rejections of claims 22 and 26 be reversed by the honorable Board.

Claims 19, 21 and 30 are dependent on and further limit claim 18. Since the rejection of claim 18 is believed improper, the rejection of claims 19, 21 and 30 are also believed improper for at least the same reasons as claim 18.

Claims 23, 25 and 31 are dependent on and further limit claim 22. Since the rejection of claim 22 is believed improper, the rejection of claims 23, 25 and 31 are also believed improper for at least the same reasons as claim 22.

Application Serial No. 09/728,095

Claims 27, 29 and 32 are dependent on and further limit claim 26. Since the rejection of claim 26 is believed improper, the rejection of claims 27, 29 and 32 are also believed improper for at least the same reasons as claim 26.

Conclusion

In view of the foregoing, Appellant submits that the rejections of claims 18, 19, 21-23, 25-27 and 29-32 are improper and respectfully requests that the rejections of claims 18, 19, 21-23, 25-27 and 29-32 be reversed by the Board.

Respectfully submitted,

Dated: July 29, 2005

Ido Tuchman, Reg. No. 45,924
69-60 108th Street, Ste. 503
Forest Hills, NY 11375
Telephone (718) 544-1110
Facsimile (718) 544-8588

- 7 -

Application Serial No. 09/728,095

Claims Appendix

Claim 18. A method for finding a query solution in a data space, the method comprising:

performing an initial query in a database such that a sub-space within the data space is defined that may contain the solution,

5   wherein the initial query includes one or more conditional attributes and one or more display attributes; and

searching for the solution outside the sub-space without performing another query.

Claim 19. The method of claim 18, wherein searching for the solution outside the sub-space without performing another query includes graphically navigating outside the sub-space.

Claim 21. The method of claim 18, wherein searching for the solution outside the sub-space without performing another query includes changing conditional attributes to display attributes and display attributes to conditional attributes.

Claim 22. A system for finding a query solution in a data space, the system comprising:

an initial query in a database such that a sub-space within the data space is defined that may contain the solution, wherein the

5   initial query includes one or more conditional attributes and one or more display attributes; and

a space navigator configured to search for the solution outside the sub-space without performing another query.

Claim 23. The system of claim 22, wherein the space navigator is further configured to graphically navigate outside the sub-space.

Claim 25 The system of claim 22, wherein the space navigator is further configured to change conditional attributes to display attributes and display attributes to conditional attributes.

Claim 26. A computer program product embodied in a tangible media comprising:

computer readable program codes coupled to the tangible media for finding a query solution in a data space, the computer readable

- 8 -

5   program codes configured to cause the program to:

  perform an initial query in a database such that a sub-space within the data space is defined that may contain the solution, wherein the initial query includes one or more conditional attributes and one or more display attributes; and

10 search for the solution outside the sub-space without performing another query.

  Claim 27.   The computer program product of claim 26, wherein the computer readable program code configured to search for the solution outside the sub-space without performing another query includes computer readable program code configured to graphically

5   navigate outside the sub-space.

  Claim 29.   The computer program product of claim 26, wherein the computer readable program code configured to search for the solution outside the sub-space without performing another query includes computer readable program code configured to change

5   conditional attributes to display attributes and display attributes to conditional attributes.

  Claim 30.   The method of claim 18, wherein the initial query is a Structured Query Language (SQL) query.

  Claim 31.   The system of claim 22, wherein the initial query is a Structured Query Language (SQL) query.

  Claim 32.   The computer program product of claim 26, wherein the initial query is a Structured Query Language (SQL) query.

- 9 -